Revised 4/06

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

TO: Mr Gallo

RE: CA 03-335L

Guindon v. ~~American Foam~~

ORDER

I have reviewed your document(s) presented to the Clerk's Office on 8 / 18 / 06 and have made the following determination:

_____ I hereby direct the Clerk to file the document(s) in the form in which it was presented to the Court.

✓ Your document(s) are hereby refused and returned to you for the following reason(s):

_____ 1. Pleadings, motions, other papers are not signed. (Fed. R. Civ. P. 11(a)) (DRI LR Cv 5(a)(5)) (DRI LR Cr 57(a)(4)).

_____ 2. All motions and objections with accompanying memoranda must be filed in triplicate. (original and two copies) (DRI LR Cv 7 (c)).

_____ 3. Memorandum of law must accompany all motions and objections, with the exceptions of Motions to Compel and Motions to Extend Time. (DRI LR Cv 7 (a)).

_____ 4. New cases must be accompanied by:
a) Civil Cover Sheet (DRI LR Cv 5 (b));
b) Summons (Fed. R. Civ. P. 4(a), (b));
c) Filing fee of $350.00 (28 U.S.C. § 1914) or $5.00 for Petitions for Habeas Corpus filed under 28 U.S.C. § 2254 and 28 U.S.C. § 2241.

_____ 5. Papers will not be accepted for filing without a certificate of service. (Fed. R. Civ. P. 5(d)) (DRI LR Cv 5.1(a)(1)) (Fed. R .Crim. P. 49).

_____ 6. Interrogatories and Answers or Objections thereto (Fed. R. Civ. P. 33), Initial Disclosures, Admissions, and Requests for Production, Responses, and Objections (Fed. R. Civ. P. 26(a), 34, and 36) shall NOT be filed with the Court. A party moving to compel (Fed. R. Civ. P. 37 (a)(2)), shall file all pertinent portions of discovery material with the motion and copies (DRI LR Cv 37(a)).

_____ 7. All Checks must be made payable to **Clerk, U.S. District Court**.

_____ 8. Motion to Appear Pro Hac Vice not in the proper form and/or does not include a check in the amount of $50.00 payable to Federal Board of Bar Examiners. (DRI LR Gen 204(d)).

_____ 9. Text of all memoranda in support of motions, objections, and replies shall be double-spaced and typed in at least 12-point font. (DRI LR Cv 7(d)(1) and Cr 47(d)(1)).

X 10. Other does not comply with Order dated 7/12/06, specifically paragraph 1.a on page 2.

ENTER:

David L. Martin

United States Magistrate Judge
cc: Counsel of Record

Date: 8-22-06

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGE GUINDON, et al	:	
VS.	:	C.A. NO. 03-335L (Adopting 3rd Amended Master Complaint in C.A. No. 04-312L)
AMERICAN FOAM CORPORATION, et al	:	

* * *

CHARLES AND CAROL SWEET, et al	:	
VS.	:	C.A. NO. 04-56L (Adopting 3rd Amended Master Complaint in C.A. No. 04-312L)
AMERICAN FOAM CORPORATION, et al	:	

* * *

LINDA RODERIGUES, et al	:	
VS.	:	C.A. NO. 04-26L (Adopting 3rd Amended Master Complaint in C.A. No. 04-312L)
AMERICAN FOAM CORPORATION	:	

MOTION TO DISMISS OF DEFENDANT, SURPLEX UNDERWRITERS, INC.

Now comes Defendant, Surplex Underwriters, Inc., and respectfully moves, pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6), to dismiss the claims of the above-captioned plaintiffs against it. The plaintiffs in this matter have adopted the Third Amended Master Complaint in Albert L. Gray, Administrator, et al (Plaintiffs) vs. Jeffrey Derderian, et al (Defendants), C.A. No. 04-312L in its entirety. In response to the Third Amended Master Complaint in Gray, Surplex Underwriters, Inc., filed a Motion to Dismiss and Supporting Memorandum, recorded as Gray docket No. 815. As the Plaintiffs in Tammy Passa, et al v. Jeffrey Derderian, et al, Ronald Kingsley, et al v. Jeffrey Derderian, et al and Andrew Paskowski, et al v. Jeffrey Derderian, et al have adopted and incorporated by reference the Third Amended Master Complaint, in the interest of judicial economy and avoiding unnecessary